

### **REMARKS**

This responds to the Office Action mailed on May 18, 2007.

Claims 1, 10 and 28 are amended, claims 9, 17, 20-27 and 36 are canceled in this response, and no claims are added; as a result, claims 1, 5-8, 10-16, 18-19, 28, 32-35 remain pending in this application. Claims 1, 10 and 28 have been amended to include the subject matter of claims 9, 27 and 36 respectively. Because the amendments include subject matter previously searched and examined, no new search is believed to be required with the amendments.

#### **§103 Rejection of the Claims**

Claims 1, 5-11, 13, 15-19, 23-24, 26, 28, and 32-36 were rejected under 35 USC § 103(a) as being unpatentable over Millman et al. (U.S. 6,476,800 B2) in view of Aldrich et al. (U.S. 2003/0201990 A1). In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully traverses the rejection because the claims contain elements not found in the combination of Millman and Aldrich.

For example, claim 1 as amended recites "determining if a policy exists for the power management event" and further recites that a display update property is changed in accordance with the policy. Claims 10 and 28 as amended recite similar language. The Office Action asserts that Aldrich, at column 3, lines 28-67; column 4, lines 1-41 ; and columns 5-7 disclose the recited language. Applicant respectfully disagrees with this interpretation of Millman. The Office Action fails to point out any specific element or elements in Millman that correspond with a policy, determining if a policy exists, or changing a display update property in accordance with

a policy. Nothing in the cited section of Millman, nor in Millman as a whole teaches or suggests the use of policies to control how and when a display update property is changed in response to a power management event. In addition, Applicant has reviewed Aldrich and can find no teaching or suggestion of using policies to control how and when a display update property is changed in response to a power management event. As a result, neither Millman nor Aldrich, alone or in combination, teaches or suggest each and every element of Applicant's claims 1, 10 and 28. Therefore claims 1, 10 and 28 are not obvious in view of the combination of Millman and Aldrich. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 10 and 28.

Claims 9, 17, 23-24, 26 and 36 have been cancelled without prejudice or disclaimer in this response, and are not discussed further herein as the rejection is believed moot.

Claims 5-8 depend from claim 1; claims 11, 13, 15-16 and 18-19 depend from claim 10; and claims 32-35 depend from claim 28. These dependent claims inherit the elements of their respective base claims and are patentable over Millman and Aldrich for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

Claims 12, 14, 25, and 27 were rejected under 35 USC § 103(a) as being unpatentable over Millman et al. (U.S. 6,476,800 B2) and Aldrich et al. (U.S. 2003/0201990 A1) as applied to claims 1, 10, and 23 above, and further in view of Bril et al. (U.S. 6,078,319). Claims 12 and 14 depend from claim 10 and therefore inherit the elements of claim 10, including elements directed to a processor operable to determine if a policy exists for a power management event and further changing a display update property in accordance with the policy. As discussed above with respect to claim 10, neither Millman nor Aldrich teach or suggest the use of policies to control how and when a display update property is changed in response to a power management event. Additionally, Applicant has reviewed Bril and can find no teaching or suggestion of the use of policies to control how and when a display update property is changed in response to a power management event. As a result, claims 12 and 14 contain elements not found in the combination of Millman, Aldrich and Bril. Therefore claims 12 and 14 are not obvious in view of the

combination of Millman Aldrich and Bril. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 12 and 14.

Claims 25 and 27 have been cancelled without prejudice or disclaimer in this response and are not discussed further herein as the rejection is believed moot.

Claims 20-22 were rejected under 35 USC § 103(a) as being unpatentable over Millman et al. (U.S. 6,476,800 B2) in view of Aldrich et al. (U.S. 2003/0201990 A1) and Bril et al. (U.S. 6,078,319). Claims 20-22 have been canceled without prejudice or disclaimer, therefore the rejection is believed moot.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

TERRY M FLETCHER ET AL.

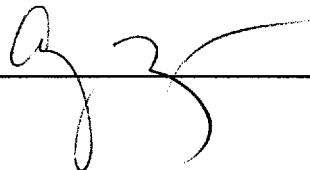
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Date August 20, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of August 2007.

Amy Moriarty  
Name

  
Signature